

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA *ex rel.*  
STACY ERWIN OAKES, ERWIN  
PROPERTIES, LLC, and ERWIN  
COMPANIES, LLC,

Plaintiffs,

Case Number 18-13540  
Honorable David M. Lawson

v.

CINNAIRE a/k/a GREAT LAKES CAPITAL  
FUND NONPROFIT HOUSING CORP.,  
MICHIGAN STATE HOUSING  
DEVELOPMENT AUTHORITY, FIFTH  
THIRD BANK, PNC FINANCIAL  
SERVICES f/k/a NATIONAL CITY BANK,  
NATIONAL CITY COMMUNITY  
DEVELOPMENT CORP., ERWIN  
ESTATES GP, LLC, COMMERCIAL  
ALLIANCE, TEAM ONE CREDIT UNION,  
JP MORGAN CHASE BANK, GREAT  
LAKES CAPITAL FUND FOR HOUSING  
LIMITED PARTNERSHIP XII,  
GLCFH XII, INC., LDHA, and ERWIN  
ESTATES,

Defendants.

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**ORDER GRANTING MOTION TO UNSEAL RECORD AND TO SUPPLEMENT THE  
RECORD AND DENYING SECOND MOTION FOR INDICATIVE RULING**

This matter is before the Court on two motions by the plaintiff. The plaintiff moves to unseal the entire record of the case and represents that government counsel has been consulted and does not oppose that request. That request will be granted. The plaintiff also asks permission to file certain papers as supplements to a second motion for an indicative ruling. The Court has considered that request and finds that it should be granted under the circumstances.

The plaintiff also has filed a second motion for an indicative ruling on her prayer for relief under Federal Rule of Civil Procedure 60(b). That motion seeks substantially the same relief as the plaintiff's three prior motions for post-judgment relief and indicative rulings. The Court denied those motions for post-judgment relief and later denied a motion for reconsideration of its ruling. The grounds advanced in the plaintiff's renewed attempt to secure the same relief are no more persuasive than her prior efforts, and she seeks merely to rehash arguments already considered and addressed by the Court. Moreover, the gravamen of the second motion is merely another request for reconsideration of the prior orders of the Court, but the plaintiff has failed to identify any palpable defect in the Court's rulings. The motion therefore will be denied.

Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(h)(1) when the moving party shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(h)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). "Generally . . . the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court." E.D. Mich. LR 7.1(h)(3).

The present motion adds nothing new and merely reiterates the same unpersuasive arguments advanced in the prior motions. The plaintiff has not identified any error of fact or law by which the Court was misled to its conclusions that the post-judgment motions were without merit and the relief sought in part was jurisdictionally unavailable.

Accordingly, it is **ORDERED** that the plaintiff's motion to unseal the record and for leave to supplement her second motion for an indicative ruling (ECF No. 94) is **GRANTED**. The Clerk

of Court is directed to **UNSEAL** all remaining sealed filings in this matter. The papers submitted as exhibits to the second motion for an indicative ruling are deemed **FILED**.

It is further **ORDERED** that the plaintiff's second motion for an indicative ruling (ECF No. 92) is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: September 17, 2020